

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :
THE HONOURABLE MR. JUSTICE K.THANKAPPAN

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Crl.L.P.No. 107 of 2007

CC.11/2006 of J.M.F.C.-VI, NEYYATTINKARA

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PETITIONER/COMPLAINANT

P.SATHYAN,
SYAM BHAVAN, KALLAMBALAM,
BALARAMAPURAM P.O.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: ACCUSED & STATE

1. PRAMEEN KUMAR,
PUSHPA MANDIRAM,
AVANAKUZHI, THANNIMOODU P.O.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P.SRI.P.RAVEENDRA BABU FOR R2

THIS CRIMINAL LEAVE PETITION HAVING BEEN FINALLY
HEARD ON 20/02/2007, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

K. Thankappan, J.

Crl. L.P. No. 107 of 2007

Dated this the 20th February, 2007

ORDER

This is a petition to leave to file an appeal against the judgment in C.C.No.11/2006 on the file of the Court of the Judicial First Class Magistrate-VI, Neyyattinkara. The petitioner was the complainant. The complaint was filed under section 138 of the Negotiable Instruments Act, 1981 alleging that the 1st respondent issued Ext.P1 cheque for an amount of Rs.40,000/- in discharge of his debt and when the cheque was presented for encashment, the same was dishonoured on the ground of insufficiency of fund. To prove the case against the 1st respondent, the petitioner himself was examined as PW1 and Exts.P1 to P6 were marked. After considering the evidence adduced by the prosecution, the trial court found that the petitioner had failed to prove that Ext.P1 cheque was issued by the 1st respondent in discharge of a legally enforceable debt. The trial court also found that the petitioner had failed to prove the execution of Ext.P1 cheque. Admittedly, the respondent is not aware of the alleged transaction. Considering the entire facts and circumstances of the case, this Court is of the view that the impugned judgment requires no interference by this Court. Hence, the leave is rejected.

**K. Thankappan,
Judge.**

mn.

K.Thankappan,J.

Crl.L.P.No. /2006

Judgment
-12-2006